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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Shinji YAMASOTO et al.

Group Art Unit: 3728

Application No.: 10/019,400

Examiner: John G. Pickett

Filing Date: December 28, 2001

Attorney Docket No.: 7388/72545

Confirmation No.: 1864

Customer No.: 42798

**SECOND SUPPLEMENT TO THE OCTOBER 6, 2005
INFORMATION DISCLOSURE STATEMENT**

MAIL STOP IF
Commissioner for Patents
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

October 18, 2005

Sir:

Pursuant to 37 CFR 1.97 and 1.98, the references listed on the enclosed Form PTO/SB/08 are submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form PTO/SB/08, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form PTO/SB/08 is for the purpose of providing a complete record and is not a concession that the references listed thereon are prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is relevant or analogous to the claimed invention. Accordingly, the right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

The Information Disclosure Statement is being filed:

- () **within** any one of the following time periods: (a) within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d); (b) within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 of an international application; (c) before the mailing date of a first Office Action on the merits; or (d) before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.
- () **after** (a), (b), (c) or (d) above, but before the mailing date of a final action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and includes *one* of:
 - () the Statement under 37 CFR 1.97(e) (see “Statement under 37 CFR 1.97(e)” below), *or*
 - () the fee of \$180 set forth in 37 CFR 1.17(p) (see “Fees” below).
- (X) **after** the mailing date of a final action under 37 CFR 1.113 or a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and on or before payment of the issue fee, and includes the Statement under 37 CFR 1.97(e) (see “Statement under 37 CFR 1.97(e)” below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see “Fees” below).
- () **after** the mailing date of a Notice of Allowance under 37 CFR 1.311, and on or before payment of the issue fee, and **within** thirty days of receiving each item of information contained in the Information Disclosure Statement, and includes the Statement under 37 CFR 1.704(d) (see “Statement under 37 CFR 1.704(d)” below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see “Fees” below).

NOTE: This is for original applications except applications for a design patent, filed on or after May 29, 2000, wherein a paper containing only an Information Disclosure Statement in compliance with 37 CFR 1.97 and 1.98 is being filed.

Copies of the References – Comments for the Examiner’s Consideration

- (X) An English translation of the third party document previously submitted in the October 6, 2005 Information Disclosure Statement (IDS) is enclosed herewith.

The third party reference was filed July 11, 2005 in a counter-part Japanese Patent Application and was brought to the attention of Applicants’ U.S. legal representatives on October 6, 2005, and was promptly submitted via the IDS of the same date. The third party submission was not in the English language at that time. The material has been translated into English on an expedited basis and is now enclosed herewith for the Examiner’s careful, independent review and consideration.

A copy of the non-English reference that was cited in the filing of July 11, 2005 in the counter-part Japanese Patent Application was filed with the October 6, 2005 IDS. The English translation of the same was submitted in a Supplement to the October 6, 2005 IDS filed on October 12, 2005.

As mentioned in the October 6, 2005 IDS, the third party submission cited five other references, all of which were previously disclosed herein. Among these, JP-H07-96092A, is of record and upon present information and belief is associated with an English language abstract for JP H03-109917A, a copy of which is also of record herein as having been carefully, independently considered by the Examiner.

- () A copy of the Supplementary European Search Report is enclosed herewith.
- () The references listed on the enclosed Form PTO/SB/08 were previously identified in the parent application(s) of the present application, and copies of the references were furnished at that time. Accordingly, additional copies of the references are not submitted herewith, so as not to burden the file with duplicate copies of references. The Examiner is respectfully requested to carefully review the references in accordance with the requirements set out in the Manual of Patent Examining Procedure. In accordance with 37 CFR 1.98(d), the details of the parent application(s) relied upon for an earlier filing date under 35 USC 120 in which copies of the references were previously furnished are set out below:

U.S. APPLICATIONS		Status (check one)		
U.S. APPLICATIONS	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
1.				
2.				

Statement under 37 CFR 1.97(e)

- (X) The **undersigned** hereby states upon information and belief that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign patent application or against such application on about July 11, 2005, but was only received by a person substantively involved with this application not more than three months prior to the filing of the Information Disclosure Statement, on October 6, 2005.
- () The **undersigned** hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

Statement under 37 CFR 1.704(d)

- () The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

Fees

- (X) **No fee** is owed by the applicant(s). The requisite fee was submitted in the October 6, 2005 Information Disclosure Statement.
- () The **IDS Fee of \$180** under 37 CFR 1.17(p) is enclosed herewith.

Method of Payment of Fees

- () Attached is a check in the amount of \$180.00.
- () Charge Deposit Account No. 06-1135 regarding Order No. , in the amount of \$. (A duplicate copy of this communication is enclosed for that purpose.)

Authorization to Charge Additional Fees

- (X) If any additional fees are owed in connection with this communication, please charge Deposit Account No. 06-1135 regarding Order No. 7388/72545. (A duplicate copy of this communication is enclosed for that purpose.)

Instructions as to Overpayment


- (X) Credit Account No. 06-1135 regarding Order No. 7388/72545.
- () Refund

Date: **October 18, 2005**

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

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